

The regular meeting of the Lake County Planning Commission was called order at the hour of 08:00 AM in the County Commission Board Room.

**ROLL CALL:**

Don Bickett, Dan Hansen, Alan Schaefer, Aaron Johnson, Jody Ackerman and Official Mandi Anderson were all present. Roger Albertson was excused.

**AGENDA/ADDITIONS:**

None.

Motion by Aaron Johnson to approve the agenda. Second by Alan Schaefer. M/C All were ayes.

**MINUTES:**

Motion by Alan Schaefer to approve July 13th minutes sent to them by mail. Second by Dan Hansen. M/C All were ayes.

**OLD/UNFINISHED BUSINESS:**

None.

**NEW BUSINESS:**

**VARIANCE #22-02**

**Owner/Applicant:** Marvin & Roseann Brinkman

**Property Description:** SW ¼ of Section 28-107-54, Concord Township

**Parcel Number:** 15000-10754-28310

**Zoning Designation:** "A" Agricultural District

**Request:** The applicant is requesting a Variance from the minimum required front yard setback.

**History/Issue(s):**

1. The applicant is requesting to build a personal storage shed on his existing farmstead to replace several smaller sheds and lean-to on the property after they were destroyed from the May 2022 storm.
2. The depth of the front yard shall not be less than 75' from the road right-of-way and in no case shall an accessory building be located or extended into the front yard. If they cannot meet the setbacks, they shall go through the Variance process.
3. They have two options and are requesting between an approx. 40-20' variance on the road side from the right-of-way. The setbacks being either a 35' or 55' setback from the right-of-way.
  - a. They meet all other required (sides, rear, height) setbacks.
4. Most of the adjoining neighbors have been contacted and they raise no objections to the proposed project, their signatures were obtained in approval. Two neighbors were mailed certified letters.
5. Motion by Aaron Johnson to recommend approval of the applicant's variance permit to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Dan Hansen. All were ayes.

The planning commission recommends the following preliminary findings:

- The proposed application **is** the minimum variance that will make possible the reasonable use of the land, building or structure.
- Granting the variance **will** be in harmony with the general purpose and intent of the Ordinance.
- The granting of the variance **would not** be injurious to the neighborhood or otherwise detrimental to the public welfare.
- That there are extraordinary and exceptional situations and special conditions or circumstances that **exist** which are peculiar to the land, structure, or building involved. **Low traffic density AG township road, Minimum request possible with existing conditions, low grade unsuitable soil on the rest of the property, existing drainage areas, already existing structures on the property that currently do not meet the setback and allows him to keep the current location of the existing water source.**
- The granting of the variance request **would not** confer on the applicant special privilege denied to others in the "A" District.
- Conditions particular to the property **were not** the result of the actions of the applicant and a literal enforcement of the ordinance would result in unnecessary and undue hardship.
- That the non-conforming USE of neighboring lands, structures or buildings in the same district, and no permitted or non-conforming USE of lands, structures, or buildings in other districts **was not** considered grounds for the issuance of this variance.

- The reasons set forth justify the **granting** of the variance.
- Adjoining neighbor and landowners have been notified as per Article V Section 505, Lake County Zoning Ordinance.

No proponents or opponents present.

Discussion took place about the existing farmstead conditions, the low traffic density on this road, the low grade of land towards the north the east, utility locations and the existing location of some of the structures that are already within the required setback.

**CONDITIONAL USE #22-21**

**Owner/Applicant:** A.H. Meyer and Son’s Inc. Representative: Melissa Shipley

**Property Description:** Lots 9-12 Block 5 Original Plat to the town of Winfred Section 7-106-54, Winfred Township

**Zoning Designation:** “TD” – Town District (Winfred)

**Request:** Requesting a service business for their beeswax rendering office space use.

**History/Issue(s):**

1. The applicant is requesting a temporary and permanent office space building for their small-town bee business.
  - a. The current office space was damaged/destroyed during the May 2022 storm.
  - b. A temporary office pod is being requested for immediate use until the permanent office space would be constructed to the east of this pod on the same lot.
  - c. The pod will then be removed once the permanent office space is completed.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process to proceed with any service business when located within a Town District.
3. The front, side and rear yard setbacks shall be determined by the BOA after recommendation from the Planning Commission. Also, the off-street parking needs, utilities, type of business and need for screening.
  - a. The proposed setbacks for the temporary structure are for the temporary office pod to sit approx. 5’ off the lot line on the west side.
  - b. The proposed setback for the permanent structure is requested at 15’ from both the west and south lot lines on a corner lot.
  - c. The proposed location seems to be adequate and is convenient for the public to find. The lot is currently vacant but was once used for a business. The lot use is zoned for Manufacturing/Residential. Off-street parking will be provided or available for use but the proposed business is located on the corner of two public streets/avenues so it does have public access.

**Action Item – Conditional Use – Temporary and Permanent Office Space for Service Business**

Motion by Dan Hansen to recommend approval of the conditional use request to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Alan Schaefer. M/C All were ayes.

- A service business for office space use is allowable as a conditional use in the TD - Town District under certain conditions.
- If approved, the conditional use shall be specifically conditioned upon initial and continued compliance with all of the requirements and conditions herein and upon compliance with all applicable provisions of the Zoning Ordinance.
- Satisfactory provisions and arrangements have been made, or may be made through the conditions placed upon the operation, concerning the followings:
  - Entrance and exit to property and proposed structures thereon;
  - Off-street parking and loading areas;
  - Utilities, refuse, and service areas;
  - Screening and Buffering;
  - Signs;
  - Required yards and other open space; and
  - General compatibility with adjacent properties and other property in the district.
- The granting of the conditional use would be in harmony with the purpose and intent of the zoning ordinance.
- The granting of the conditional use would not adversely affect the public interest.

No proponents or opponents present.

Discussion took place about the business and location of the current main street setbacks and uses and parking areas.

**A Plat of Lot 18 Block 1 Peterson’s 2<sup>nd</sup> Addition** in Outlot 3 of Government Lot 2 NE ¼ of Section 23-106-52, Lakeview Township was presented to the Planning Commission. This plat is located in the “LP-1” District. Subdividing Block 1 for a lot for future single family residential development. This plat meets Lake County Regulations and the taxes have been paid in full. Motion by Aaron Johnson to recommend the approval of this plat to the County Commission. Second by Jody Ackerman. M/C All were ayes.

**A Plat of Lot 1 Bourne Addition** in Government Lot 3 NE ¼ of Section 36-106-52, Lakeview Township was presented to the Planning Commission. This plat is located in the “LP-1” District. Re-subdividing a lot into 2 lots. This plat meets Lake County Regulations and

the taxes have been paid in full. Motion by Dan Hansen to recommend the approval of this plat to the County Commission. Second by Alan Schaefer. M/C All were ayes.

**A Plat pf Lots 2C & 3A in Block 2A of Lakes Community Addition** in government lot 6 in the S ½ of Section 32-106-51, Wentworth Township was presented to the Planning Commission. This plat is located in the “LP-1” District. Re-subdividing a lot and dividing it into the two adjacent neighboring lots. This plat meets Lake County Regulations and the taxes have been paid in full. Motion by Aaron Johnson to recommend the approval of this plat to the County Commission. Second by Jody Ackerman. M/C All were ayes.

**A Plat of Lot 1A of Henry Laun Addition** in SE ¼ of Section 35-105-52, Franklin Township was presented to the Planning Commission. This plat is located in the “A” District. Adding additional land into the existing farmstead lot. This plat meets Lake County Regulations and the taxes have been paid in full. Motion by Jody Ackerman to recommend the approval of this plat to the County Commission. Second by Alan Schaefer. M/C All were ayes.

**A Plat of Tract 1 of Terwilliger Addition** in NE ¼ of Section 17-106-54, Winfred Township was presented to the Planning Commission. This plat is located in the “A” District. Subdividing the existing farmstead away from the adjacent farmland. This plat meets Lake County Regulations and the taxes have been paid in full. Motion by Aaron Johnson to recommend the approval of this plat to the County Commission. Second by Dan Hansen. M/C All were ayes.

**PUBLIC COMMENT:**

None.

Motion by Aaron Johnson to adjure the Planning Commission Meeting. Second by Jody Ackerman. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 9:12 AM.